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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,050	12/12/2003	Benjamin Atkin	51291/JEJ/D359	2484

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER

WILSON, JOHN J

ART UNIT PAPER NUMBER

3732

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,050

Applicant(s)

ATKIN ET AL.

Examiner

John J. Wilson

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/27/06, 8/14/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Rahman et al (6716028). Rahman shows a hand piece 82, Figs. 11A-11D, for a transducer 14, a body 82b rotatably receiving a transducer, rotator head 80a engaging the transducer for rotation, means 80b for rotatably coupling the body 82b to the rotator head 80a. All of the actual claimed structure being shown, to call 80a a head is merely terminology, and as such, is not given patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 13, 14, 16-19 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al (6716028) in view of Novak (6012922). Rahman

shows a hand piece 82, Figs. 11A-11D, for a transducer 14, a body 82b rotatably receiving a transducer, rotator head 80a that is coupled to the body 82b by fingers 80f so that the rotator head 80a along with the transducer insert will rotate with respect to the body 82b. The shown coupling means of Rahman is not in the form of a ring. Novak teaches a rotatably connected rotator head 14 on body 15 and shows using a retainer ring 18, Figs. 2 and 5, to enable the relative rotation. It would be obvious to one of ordinary skill in the art to modify Rahman to include using a ring coupling means as shown by Novak in order to make use of known alternatives in the art for allowing elements to rotate with respect to each other. As to claim 2, to use a metal ring is an obvious matter of choice in known materials used of coupling rings to the skilled artisan. As to claims 3 and 4, the location of the groove is an obvious matter of choice in the reversal of the location of known elements to one of ordinary skill in the art. As to claims 13 and 14, see column 1, line 33, of Rahman. As to claim 17, see coil, column 2, line 45 of Rahman. As to claim 18, see electric and fluid source, column 1, lines 25-30, of Rahman. As to claims 21 and 22, see nickel plates, column 1, line 42, of Rahman. As to claim 24, the rotation of the insert inherently applies a force to 80a, and as such, turning requires a force to the rotator head.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al (6716028) in view of Novak (6012922) as applied to claim 1 above, and further in view of Coss et al (5655906). The above combination does not show using a plurality of grooves, claim 5, and slots, claim 6. Coss shows a plurality of grooves and

slots as shown on the body 10 in Fig. 1. It would be obvious to one of ordinary skill in the art to modify the above combination to include grooves and slots as shown by Coss in order to improve the grip. That these structures may be used to mount a lock and hand grip is merely intended use, all the actual structure being shown, the intended use with inferentially claimed elements is not given patentable weight.

Claims 7-10, 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al (6716028) in view of Novak (6012922) as applied to claim 1 above, and further in view of Carmona et al (3654502). As to claim 7, Rahman teaches use of a coil is known, however, does not specifically show a coil in the embodiments, and as to claim 8, does not show a coil mounted on a bobbin, and as to claim 9, does not show a sealing O-ring, and as to claim 10, does not show a cavity through the bobbin for fluid. Carmona teaches a coil 36, bobbin 16, O-ring 30 and fluid 66 within the bobbin. It would be obvious to one of ordinary skill in the art to modify the above combination to include the structures shown by Carmona in order to make use of known ways in the art to better mount a coil and provide fluid flow.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al (6716028) in view of Novak (6012922) and Carmona et al (3654502) as applied to claim 8 above, and further in view of Paschke et al (5395240). The above combination does not show a connection member that uses a connection plug pin. Paschke teaches using a plug pin, Figs. 1-3 and elements 27-29 in Fig. 5. It would be

obvious to one of ordinary skill in the art to modify the above combination to include a coupling including pin connectors as shown by Paschke in order to releasably connect the hand tool to electric and fluid sources.

Response to Arguments

Applicant's arguments filed June 27, 2006 have been fully considered but they are not persuasive. The above rejections include a newly applied interpretation of Rahman which is held to meet the claim language as applied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722). The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez, can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John J. Wilson
Primary Examiner
Art Unit 3732

jjw
August 25, 2006